


DEC 20 2012

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

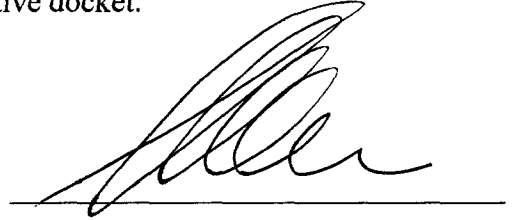
CHRIS CARTY,)	Civil Action No. 7:12cv00028
Plaintiff,)	
)	FINAL ORDER ADOPTING REPORT
v.)	AND RECOMMENDATION
)	
SGT. W.A. WRIGHT and)	
LT. D. TATE,)	By: Samuel G. Wilson
Defendants.)	United States District Judge

Chris Carty, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that Sergeant W.A. Wright, a guard at Red Onion State Prison (“ROSP”), sexually harassed him during a body cavity search while Lieutenant D. Tate, another ROSP guard, looked on and failed to intervene. Tate moved for summary judgment, and the court referred the matter to United States Magistrate Judge Pamela M. Sargent for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge found genuine issues of material fact precluding summary judgment and set the matter for a December 13, 2012, bench trial in her courtroom. Carty appeared at that trial but refused to present his case. The Magistrate Judge advised Carty that if he persisted in his refusal, the court would dismiss his claims with prejudice for failure to prosecute. Nevertheless, Carty persisted, and the Magistrate Judge has recommended that the court dismiss Carty’s claims with prejudice for failure to prosecute. Carty has objected to the Magistrate Judge’s Report and Recommendation by reiterating his previous demands for counsel to assist him.

Having reviewed the Report and Recommendation, the objections thereto, and pertinent portions of the record *de novo*, in accordance with § 636(b)(1), the court agrees with the Magistrate Judge’s recommendation. Accordingly, it is hereby **ORDERED** and **ADJUDGED**

that Carty's objections to the Report and Recommendation are **OVERRULED**; the Magistrate Judge's Report and Recommendation is **ADOPTED** in its entirety; and this matter is **DISMISSED** and **STRICKEN** from the court's active docket.

ENTER: December 20, 2012.



UNITED STATES DISTRICT JUDGE